

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Herman Van Mellaert et al.

Application No.: 10/809,953

Filing Date: March 26, 2004

Title: PREVENTION OF BT RESISTANCE
DEVELOPMENT



) Group Art Unit: 1638

) Examiner: ANNE R KUBELIK

) Confirmation No.: 2781

)

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Attached please find an executed Terminal Disclaimer in connection with the application identified above. The requisite fee is 65 130.

Charge _____ to Deposit Account 02-4800 for the fee due.

Charge \$ 130 to credit card. Form PTO-2038 is attached.

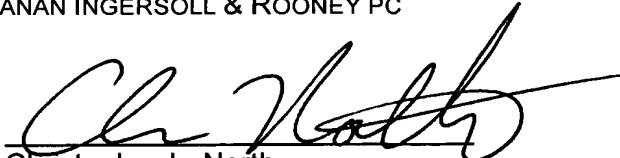
This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date July 27, 2006

By:

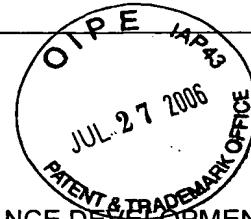

Christopher L. North
Registration No. 50433

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620

**TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT**

Docket Number (Optional)

1021565-000155



In re Patent Application of: Herman Van Mellaert et al.

Application No.: 10/809,953

Filed: March 26, 2004

For: PREVENTION OF BT RESISTANCE DEVELOPMENT

The owner*, Bayer BioScience N.V., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173 as presently shortened by any terminal disclaimer, of prior Patent Nos. 5,866,784, 6,172,281 and 6,855,873. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later: Expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. The undersigned is an attorney or agent of record.



Signature

July 27, 2006

Date

Christopher L. North, Reg. No. 50,433

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703 836 6620

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07/28/2006 SDENB0B1 00000094 10889953

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